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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,879	06/06/2000	Nobuyoshi Morimoto	5596-00200	1074

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EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/588,879	Applicant(s) MORIMOTO, NOBUYOSHI	
	Examiner David E. England	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1 – 37 are presented for examination.

Claim Objections

2. Claims 2 and 21 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 21 states that, “said time value is associated with an event defined by said computer”. The independent claim 20 states, “receiving a request from a first computer user to access the web site, wherein said request comprises an Internet address and a time value **corresponding to said first computer user accessing said web site**”. Accessing a web site can be considered being “associated with an event defined by said computer”.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 16, 18 – 22, 24, 26, 28 – 31, 33, 34, 36 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Shapira et al. (6925442) (hereinafter Shapira).

5. Referencing claim 16, as closely interpreted by the Examiner, Shapira teaches a system for identifying a distinct computer user accessing a web site, the system comprising:

6. a client computer system operated by a computer user, (e.g., col. 7, line 42 – col. 8, line 6);

7. a web site server computer system, (e.g., col. 7, line 42 – col. 8, line 6);

8. wherein the client computer system is operable to connect with the web site server for gaining access to said web site in response to a request from said computer user, (e.g., col. 7, line 42 – col. 8, line 6); and

9. wherein the web site server is operable to:

10. store one or more identifiers, wherein each identifier corresponds to a computer user accessing said web site, wherein said each identifier comprises an Internet address and a time value, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

11. receive a request from a first computer user to access the web site, wherein said request comprises a first identifier corresponding to said first computer user accessing said web site, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

12. search for an identifier matching said first identifier among said one or more stored identifiers, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

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13. identify said first unique identifier as a distinct computer user if said searching for said first unique identifier did not result in a match, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6).

14. Referencing claim 18, as closely interpreted by the Examiner, Shapira teaches said client computer system comprises a personal computer or a laptop computer or a notebook computer or an Internet-enabled cellular phone or an Internet-enabled personal digital assistant or a web television system, (e.g., col. 3, line 53 – col. 4, line 2).

15. Referencing claim 22, as closely interpreted by the Examiner, Shapira teaches said event is a launch of a web browser software on a computer operable by said computer user, (e.g., col. 5, lines 4 – 19).

16. Referencing claim 24, as closely interpreted by the Examiner, Shapira teaches said Internet address is an Internet Protocol (IP) address, (e.g., col. 4, lines 27 – 50).

17. Claims 19 – 21, 26, 28 – 31, 33, 34, 36 and 37 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

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18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 1 – 3, 5, 7 – 9, 11, 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira in view of Gerace (5991735).

20. As per claim 1, as closely interpreted by the Examiner, Shapira teaches a method for identifying distinct users accessing a web site, the method comprising:

21. storing one or more records in a database, wherein each record comprises an Internet address and a time value, and wherein each record corresponds to a different computer accessing said web site, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

22. receiving a first request from a first computer to access the web site, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

23. receiving said information, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

24. determining whether a matching record for said first Internet address and said first time value exists in said database, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6); and

25. identifying said first computer as a distinct user if said matching record does not exist in said database, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6).

26. However, Shapira does not specifically teach a separate request for information to said first computer, wherein said information comprises a first Internet address and a first time value corresponding to said first computer.

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27. Gerace teaches a separate request for information to said first computer, wherein said information comprises a first Internet address and a first time value corresponding to said first computer, (e.g., col. 13, line 56 – col. 14, lines 25, *“stored locally on user’s PC is a cookie”, “request for a cookie”, “newly built cookie is a unique user identification code, time and date of login, and computer identification number”* & col. 16, lines 45 – 55, *“cookie”*), by utilizing a login procedure that also requests information that contains a time and date of login and a computer identification number, which could be interpreted as an Internet address. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Gerace with Shapira because requesting a login from a user enables a the system to identify who the specific user is and what their preferences are if they have set up an account. Also, it is well known in the art that utilizing a login and identification system enables a system added security from predators that are not privileged to specific information pertaining to a user.

28. As per claim 2, as closely interpreted by the Examiner, Shapira teaches said time value is associated with a user-defined event, (e.g., col. 5, lines 4 – 19).

29. As per claim 3, as closely interpreted by the Examiner, Shapira teaches said user-defined event is a launch of a web browser software on said first computer system, (e.g., col. 5, lines 4 – 19).

30. As per claim 5, as closely interpreted by the Examiner, Shapira teaches said Internet address is an Internet Protocol (IP) address, (e.g., col. 4, lines 27 – 50).

31. As per claim 7, as closely interpreted by the Examiner, Shapira teaches generating and updating a timestamp for each record, wherein said identifying comprises identifying said first computer user as a distinct computer user only if said matching record does not exist in said database or if said timestamp for said matching record is older than a predetermined maximum time, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6).

32. As per claim 8, as closely interpreted by the Examiner, Shapira teaches said first computer is a personal computer, a laptop computer, a notebook computer, an Internet-enabled cellular phone, an Internet-enabled personal digital assistant, or an Internet-enabled television, (e.g., col. 4, lines 27 – 50).

33. Claims 9, 11, 12, 14 and 15 are rejected for similar reasons as stated above.

34. Claims 4, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira and Gerace as applied above, and in further view of Bodnar et al. (6295541) (hereinafter Bodnar).

35. As per claim 4, as closely interpreted by the Examiner, Shapira and Gerace teach said time value is generated by a time keeping device as described above but do not specifically teach wherein said time keeping device is configured to synchronize said time value with a global time keeping standard clock. Bodnar teaches said time keeping device is configured to synchronize

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said time value with a global time keeping standard clock, (e.g., col. 9, lines 18 – 60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bodnar with the combine system of Shapira and Gerace because synchronizing clocks minimizes problems due to any relative drift in the devices' clocks, such as drifts caused by clock inaccuracies or drifts caused by the user's re-setting of a clock on a device.

36. Claims 10 and 13 are rejected for similar reasons as stated above.

37. Claims 17, 23, 27, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira as applied above, and in view of Bodnar et al. (6295541) (hereinafter Bodnar).

38. As per claim 17, as closely interpreted by the Examiner, Shapira teaches said time value is generated by a time keeping device as described above but do not specifically teach wherein said time keeping device is configured to synchronize said time value with a global time keeping standard clock. Bodnar teaches said time keeping device is configured to synchronize said time value with a global time keeping standard clock, (e.g., col. 9, lines 18 – 60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bodnar with Shapira because synchronizing clocks minimizes problems due to any relative drift in the devices' clocks, such as drifts caused by clock inaccuracies or drifts caused by the user's re-setting of a clock on a device.

39. Claims 23, 27, 32 and 35 are rejected for similar reasons as stated above.

40. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira and Gerace as applied above, and in view of Farrow et al. (6374295) (hereinafter Farrow).

41. As per claim 6, as closely interpreted by the Examiner, Shapira and Gerace do not specifically teach the database is an object oriented database or a relational database. Farrow teaches the database is an object oriented database or a relational database, (e.g., col. 3, line 61 – col. 4, line 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Farrow with the combine system of Shapira and Gerace because relational databases can log any configuration changes in a separate area, therefore, giving the system possible versatility.

42. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira as applied above, and in view of Farrow et al. (6374295) (hereinafter Farrow).

43. As per claim 25, as closely interpreted by the Examiner, Shapira does not specifically teach the database is an object oriented database or a relational database. Farrow teaches the database is an object oriented database or a relational database, (e.g., col. 3, line 61 – col. 4, line 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Farrow with Shapira because relational databases can log any configuration changes in a separate area, therefore, giving the system possible versatility.

Response to Arguments

44. Applicant's arguments, see Pre-Brief Conference Request, filed 05/01/2006, with respect to the rejection(s) of claim(s) 1 – 37 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shapira, Gerace, Bodnar and Farrow.

Conclusion

45. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

46. a. Dias U.S. Patent No. 6170017 discloses Method and system coordinating actions among a group of servers.

47. b. Blumenau U.S. Patent No. 6529952 discloses Method and system for the collection of cookies and other information from a panel.

48. c. Carroll et al. U.S. Patent No. 6651098 discloses Web site management in a world wide web communication network through reassignment of the server computers designated for respective web documents based upon user hit rates for the documents.

49. d. Papierniak et al. U.S. Patent No. 6175838 discloses Method and apparatus for forming page map to present internet data meaningful to management and business operation.

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50. e. Hunt et al. U.S. Patent No. 6223215 discloses Tracking a user's purchases on the internet by associating the user with an inbound source and a session identifier.

51. f. Devine et al. U.S. Patent No. 6606708 discloses Secure server architecture for Web based data management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912.

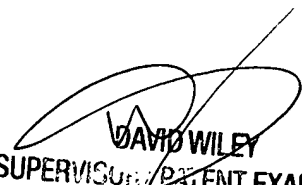
The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England
Examiner
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